Application No. (if known): 09/757,726   Attorney Docket No.: 55522(70904)

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Appeal Brief

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Attorney Docket No. 55522 (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT:	T. Sorihashi	GROUP:	2178
U.S. SERIAL NO.:	09/757,726	EXAMINER:	K. Stork
FILED:	January 10, 2001		
FOR:	INFORMATION PROCESSING DEVICE, INFORMATION PROCESSING METHOD AND RECORDING MEDIUM STORING COMPUTER PROGRAM FOR PROCESSING INFORMATION		

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By: _Kathleen M. Drury_
Kathleen M. Drury

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BRIEF ON APPEAL

Sir:

This Appeal Brief was originally filed on July 25, 2006, and is being resubmitted with a revised "Summary of Claimed Subject Matter" section, and copies of the prior art listed in the "Evidence Appendix" as required in the Office communication mailed on 10/18/2006. Appellant submits this Appeal Brief in support of the appeal from the Primary Examiner's final rejection of claims 1-25 on February 17, 2006.

BRIEF ON APPEAL FEE

Authorization was previously provided to charge the fee due of $620, including the appeal brief fee of $500 and a one-month extension fee of $120. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

REAL PARTY IN INTEREST

The real party in interest is Sharp Kabushiki Kaisha. The assignment of the inventor to this corporation was recorded on January 10, 2001 at Reel 011451, Frame 0359.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to Appellant, Appellant's legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-25 stand finally rejected. Claims 1-25 are appealed.

STATUS OF AMENDMENTS

There is no amendment after final to the claims.

A Pre-Appeal Brief Request for Review was filed on April 21, 2006. A Notice of Panel Decision from Pre-Appeal Brief Review issued on May 25, 2006, indicating that the application remains under appeal.

A clean set of the claims on appeal is set forth in the Claims Appendix hereto.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 20, and 23 are pending in the application.

Independent claim 1 recites an information processing device for creating and displaying a data file (see preamble; see also specification at page 4, lines 12-18). Referring to FIG. 2 of the application, each of the personal computers (PCs) 11 to 13 constitutes an information processing device (see specification at page 14, lines 3-6). A PC is shown in greater detail in FIG. 1, where the PC 11 includes a data creating section for creating the data file, and a data reference section for displaying reference data (see specification at page 14, lines 7-16). For example, referring to FIG. 1, a DMS document editing section 32 can serve as the "data creating section" in the PC 11 (see specification at page 17, lines 6-7). Specifically, the DMS document editing section 32 can be a word processor for creating document data according to user instructions (see specification at page 17, lines 12-16). Referring to FIG. 1, reference numbers 33 to 37 can serve as the "data reference section" in the PC 11 (see specification at page 17, lines 7-11). In other words, the data reference section can include a DMS document reference section 33, a DMS document search section 34, a document reference section 35, a document search section 36, and a WEB browser 37 (see FIG. 1). The above-described components of the data creating section and the data reference section (reference numbers 32 to 37) can be referred to generally as "application devices (APs)" (see specification at page 18, last full paragraph). Each of the APs can create history data (i.e., operation history data) of executed operations, and transmit the data to a log recording/reproducing section 31 (see specification at page 18, last line to page 19, line 6). The log recording/reproducing section 31 corresponds to the "log recording/reproducing section" recited in independent claim 1.

As recited in independent claim 1, the log recording/reproducing section "i) creates log data including history data of operations executed by said data creating section and said data reference section when creating the data file, and ii) controls, with reference to said created log data, said data creating section and said data reference section to re-execute the operations stored in the log data so as to reproduce a creation of the data file when displaying the data file." Referring to the application, the log recording/reproducing section 31 creates and edits log data based on the history data received from the data creating section and the data reference section when creating the data file (see specification at page 19, last two lines to page 20, line 3; and

page 23, last full paragraph). Further, the log recording/reproducing section 31 controls, with reference to the created log data, the data creating section and the data reference section "to re-execute all the operations stored in the log data" (specification at page 20, lines 4-7). By controlling the data creating section and the data reference section to re-execute the operations stored in the log data, the creation of the data file can be reproduced and displayed (see specification at page 32, last two lines to page 33, line 4; and page 33, lines 16-22).

Independent claim 20 recites an information processing method for creating a data file and displaying the data file as created, the method using a data creating section for creating the data file and a data reference section for displaying reference data (see preamble of claim 20; see also specification at page 4, lines 12-26). A PC is shown in greater detail in FIG. 1, where the PC 11 includes a data creating section for creating the data file, and a data reference section for displaying reference data (see specification at page 14, lines 7-16). For example, referring to FIG. 1, a DMS document editing section 32 can serve as the "data creating section" in the PC 11 (see specification at page 17, lines 6-7). Specifically, the DMS document editing section 32 can be a word processor for creating document data according to user instructions (see specification at page 17, lines 12-16). Referring to FIG. 1, reference numbers 33 to 37 can serve as the "data reference section" in the PC 11 (see specification at page 17, lines 7-11). In other words, the data reference section can include a DMS document reference section 33, a DMS document search section 34, a document reference section 35, a document search section 36, and a WEB browser 37 (see FIG. 1). Each of the APs can create history data (i.e., operation history data) of executed operations, and transmit the data to a log recording/reproducing section 31 (see specification at page 18, last line to page 19, line 6).

Independent claim 20 further recites (a) a log data creation step, and (b) a reproducing step, where the log data creation step is "for creating log data including history data of operations executed by said data creating section and said data reference section when creating the data file," and the reproducing step is "for controlling said data creating section and said data reference section to re-execute the operations stored in the log data to reproduce a creation of the data file." Referring to the application, the log recording/reproducing section 31 creates and edits

log data based on the history data received from the data creating section and the data reference section when creating the data file (see specification at page 19, last two lines to page 20, line 3; and page 23, last full paragraph). Further, the log recording/reproducing section 31 controls, with reference to the created log data, the data creating section and the data reference section "to re-execute all the operations stored in the log data" (specification at page 20, lines 4-7). By controlling the data creating section and the data reference section to re-execute the operations stored in the log data, the creation of the data file can be reproduced and displayed (see specification at page 32, last two lines to page 33, line 4; and page 33, lines 16-22).

Independent claim 23 recites a recording medium storing a computer program for processing information, which creates a data file and displays the data file as created, including a data creating section for creating the data file and a data reference section for displaying reference data (see preamble of claim 23; see also specification at page 4, lines 12-26). A PC is shown in greater detail in FIG. 1, where the PC 11 includes a data creating section for creating the data file, and a data reference section for displaying reference data (see specification at page 14, lines 7-16). For example, referring to FIG. 1, a DMS document editing section 32 can serve as the "data creating section" in the PC 11 (see specification at page 17, lines 6-7). Specifically, the DMS document editing section 32 can be a word processor for creating document data according to user instructions (see specification at page 17, lines 12-16). Referring to FIG. 1, reference numbers 33 to 37 can serve as the "data reference section" in the PC 11 (see specification at page 17, lines 7-11). In other words, the data reference section can include a DMS document reference section 33, a DMS document search section 34, a document reference section 35, a document search section 36, and a WEB browser 37 (see FIG. 1). Each of the APs can create history data (i.e., operation history data) of executed operations, and transmit the data to a log recording/reproducing section 31 (see specification at page 18, last line to page 19, line 6).

Independent claim 23 further recites "a reproduction of a creation of a data file is realized by creating log data including history data of operations executed by said data creating section and said data reference section when creating the data file, and re-executing the operations as

stored in the log data by said data creating section and said data reference section." Referring to the application, the log recording/reproducing section 31 creates and edits log data based on the history data received from the data creating section and the data reference section when creating the data file (see specification at page 19, last two lines to page 20, line 3; and page 23, last full paragraph). Further, the log recording/reproducing section 31 controls, with reference to the created log data, the data creating section and the data reference section "to re-execute all the operations stored in the log data" (specification at page 20, lines 4-7). By controlling the data creating section and the data reference section to re-execute the operations stored in the log data, the creation of the data file can be reproduced and displayed (see specification at page 32, last two lines to page 33, line 4; and page 33, lines 16-22).

To summarize, independent claims 1, 20, and 23 are pending in the application, along with their respective dependent claims. All of the independent claims recite: creating "log data including history data of operations executed by said data creating section and said data reference section when creating the data file." All of the independent claims also recite: re-executing the operations stored in the log data.

Because each of the APs of the data creating section and the data reference section can create its own operation history data, the log recording/reproducing section can create detailed log data (see specification at page 34, lines 14-17). Therefore, upon re-execution of the operations stored in the log data, a reader "can see the data on the materials referred to in the creation of the document data or the reference data such as the drawing data, etc., with ease" (specification at page 33, lines 5-8).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only ground of rejection to be reviewed on appeal is:

Whether claims 1-25 are unpatentable under 35 USC §103(a) over U.S. Patent 6,687,878 to Eintracht et al. (hereinafter "Eintracht") in view of U.S. Patent No. 6,040,920 to Ichiriki (hereinafter "Ichiriki").

ARGUMENT

The arguments contained herein pertain to the only ground of rejection, i.e., claims 1-25 are not obvious over the proposed combination of Eintracht in view of Ichiriki. The following subheadings I to III address shortcomings in this ground of rejection. In summary, claims 1-25 are patentable over the proposed combination, and the final rejection should be vacated.

I.   **There is no teaching or suggestion in Eintracht in view of Ichiriki of a log recording/reproducing section that creates log data of operations executed by a data creating section and a data reference section when creating a data file.**

The proposed combination of Eintracht in view of Ichiriki does not teach or suggest a log recording/reproducing section which creates log data including history data of operations executed by a data creating section and a data reference section when creating a data file, as recited in independent claim 1. Similarly, the proposed combination of Eintracht in view of Ichiriki does not teach or suggest "creating log data including history data of operations executed by said data creating section and said data reference section when creating the data file" (independent claims 20 and 23).

In the Final Office Action of 02/17/2006, it was alleged that "the notes database is the log data" (Final Office Action at page 2, last paragraph). It was further alleged that the "notes database stores annotations. In this instance, the annotations are the log data, stored within the database" (Final Office Action at page 11, last full paragraph).

However, in column 3, lines 12-43 of Eintracht, a "system for annotating documents" is described, which includes a notes database "for storing one or more notes, each note associated with a particular document" (column 3, lines 15-17), and a notes client for permitting "a user to annotate the document with one or more notes" (column 3, lines 12-22). Further, a Notes Log Table stores a transaction history of notes associated with a particular document (see column 3, lines 37-40).

In other words, in Eintracht, one or more notes/annotations are created by a user and associated with a particular document. These notes are created by a user, and therefore do not constitute "history data of operations executed by said data creating section and said data reference section when creating the data file" as recited in independent claims 1, 20, and 23.

Therefore, the proposed combination of Eintracht in view of Ichiriki does not teach or suggest the creation of "log data including history data of operations executed by" a data creating section and a data reference section when creating a data file.

II.   **There is no teaching or suggestion in Eintracht in view of Ichiriki of a log recording/reproducing section that controls a data creating section and a data reference section to re-execute operations stored in the log data.**

The proposed combination of Eintracht in view of Ichiriki does not teach or suggest a log recording/reproducing section which controls, with reference to the log data, a data creating section and a data reference section to re-execute operations stored in the log data, as recited in independent claim 1. Similarly, the proposed combination of Eintracht in view of Ichiriki does not teach or suggest controlling the data creating section and data reference section to "re-execute the operations stored in the log data" (independent claim 20), or "re-executing the operations as stored in the log data" (independent claim 23).

In the Final Office Action, it was alleged that "when the user synchronizes a local copy with the notes database, the logged changes/annotations are transferred to the user and the local copy is reproduced with the logged changes/annotations" (see page 2, last paragraph).

However, Eintracht does not teach or suggest re-executing operations stored in the "log data." Note synchronization is described in Eintracht at column 9, line 15 to column 10, line 16, and column 15, line 60 to column 16, line 63 (see also FIGS. 8 and 9). To synchronize a client's Notes Database, a Notes Server prepares a list of notes (step 166 of FIG. 8), and the Notes Client merges the list of notes with its local Notes Database (see steps 168 to 170 of FIG. 8).

Eintracht does not teach or suggest re-executing any operations "stored in the log data," as recited in independent claims 1, 20, and 23.

Instead of re-executing operations stored in log data, Eintracht merely creates a list of notes and merges this list of notes with a local database. This is clearly not a re-execution of operations stored in log data.

III.   One of ordinary skill in the art would lack proper motivation to make the proposed combination of Eintracht in view of Ichiriki, and any such combination would not result in the Appellant's claimed invention.

In the Final Office Action, it was admitted that Eintracht does not teach or suggest a data creating section, a data reference section, or that log data creation occurs "when creating the data file" (see page 2, last two lines to page 3, first line). Ichiriki was cited at column 12, lines 15-20 and 65-67, and column 13, lines 1-5 allegedly to remedy these deficiencies.

However, even if the application software of Ichiriki was somehow combined with Eintracht, there is no teaching or suggestion that the annotations stored in the notes database would include history data of operations executed by the application software. Eintracht merely discloses that notes/annotations are prepared by a user. There is insufficient motivation to combine Eintracht and Ichiriki, at least because Eintracht already allows a user to enter annotations in a database, and any modification of Eintracht to include the application software of Ichiriki would not provide the ability to log anything other than user notes.
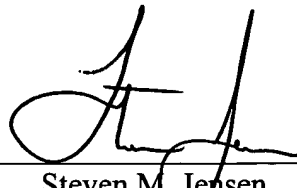
Appellant submits that all of the claims under final rejection are in condition for allowance and should be allowed, and that the Final Office Action should be vacated.

Respectfully submitted,

Date: November 16, 2006   By: _____

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CLAIMS APPENDIX

Claim 1 (previously presented): An information processing device for creating and displaying a

data file, comprising:

a data creating section for creating the data file;

a data reference section for displaying reference data; and

a log recording/reproducing section which i) creates log data including history data of

operations executed by said data creating section and said data reference section when creating

the data file, and ii) controls, with reference to said created log data, said data creating section

and said data reference section to re-execute the operations stored in the log data so as to

reproduce a creation of the data file when displaying the data file.

Claim 2 (previously presented): The information processing device as set forth in claim 1,

wherein:

said log recording/reproducing section records all the operations executed by the data

creating section and the data reference section in the log data when creating the data file, and

controlling the data creating section and the data reference section to re-execute all the

operations stored in the log data, so as to reproduce all the creation processes of the data file

when displaying the data file.

Claim 3 (original): The information processing device as set forth in claim 1, wherein:

said log recording/reproducing section reproduces creation processes of partial data as selected by the reader when displaying the data file.

Claim 4 (original): The information processing device as set forth in claim 3, wherein:

when creating the data file, said log recording/reproducing section records a position on the data file in a related portion of each operation executed by the data creating section and the data reference section as the position indicative information of each operation, and

when displaying the data file, said log recording/reproducing section specifies the position of the partial data as selected by the reader, and based on the position indicative information, selects the operation related to the partial data from the log data, to be re-executed by said data creating section and said data reference section.

Claim 5 (original): The information processing device as set forth in claim 4, wherein:

said log recording/reproducing section changes the position indicative information of each operation as already stored in the log data according to a change made in the data file.

Claim 6 (original): The information processing device as set forth in claim 5, wherein:

when a deletion is made with respect to the data file, said log recording/reproducing section marks an operation related to the deleted portion on the log data with a predetermined mark.

Claim 7 (original): The information processing device as set forth in claim 6, wherein:

when a deleted portion is re-inputted, said log recording/reproducing section deletes the

mark from the log data.

Claim 8 (original): The information processing device as set forth in claim 1, wherein:

said data creating section and said data reference section respectively provided with

operation history data creating sections for creating history data of operations they executed and

transmitting the history data as created to said log recording/reproducing section.

Claim 9 (original): The information processing device as set forth in claim 1, comprising:

an operation supervision section for creating history data of operations executed by said

data creating section and said data reference section and transmitting the history data as created

to said log recording/reproducing section.

Claim 10 (original): The information processing device as set forth in claim 1, further

comprising:

a display control section for supervising a display state of a display screen which is open

when creating the data file,

wherein said log recording/reproducing section controls said display control section so as

to store in the log data a display state of the screen opened when executing each operation.

Claim 11 (original): The information processing device as set forth in claim 10, wherein:

said log recording/reproducing section determines whether each screen is used in the

creation of the data file based on the display state of the display screen, and stores the result of

determination in the log data.

Claim 12 (original): The information processing device as set forth in claim 11, wherein:

said log recording/reproducing section determines whether the display screen is used for

the data creation based on a determination condition set beforehand by the user.

Claim 13 (original): The information processing device as set forth in claim 1, wherein:

said log recording/reproducing section stores only operations executed by predetermined

specific data creating section and data reference section in the log data.

Claim 14 (original): The information processing device as set forth in claim 1, wherein:

said log recording/reproducing section prevents operations executed by predetermined

specific data creating section and said data reference section from being stored in the log data.

Claim 15 (original): The information processing device as set forth in claim 1, wherein:

said log recording/reproducing section edits the log data according to an instruction given

by the user.

Claim 16 (original): The information processing device as set forth in claim 1, further

comprising:

a data recording section for storing the data file created by said data creating section in

relation to the log data created by said log recording/reproducing section.

Claim 17 (original): The information processing device as set forth in claim 1, wherein:

said data creating section includes a memory section for storing a program for creating

the data file and a reading section for creating the data file by reading the program.

Claim 18 (original): The information processing device as set forth in claim 1, wherein:

said data reference section includes a memory section for storing a program for making a

reference to the data file, and a reading section for making a reference to the data file by reading

the program.

Claim 19 (original): The information processing device as set forth in claim 1, wherein:

said data creating section creates document data.

Claim 20 (original): An information processing method for i) creating data file using a data

creating section for creating data file and a data reference section for displaying reference data

and ii) displaying the data file as created, comprising:

(a) a log data creation step for creating log data including history data of operations

executed by said data creating section and said data reference section when creating the data file;

and

(b) a reproducing step for controlling said data creating section and said data reference

section to re-execute the operations stored in the log data to reproduce a creation of the data file.

Claim 21 (original): The information processing method as set forth in claim 20, wherein:

in said reproducing step, all the operations stored in the log data are re-executed by said

data creating section and said data reference section to reproduce all the creation processes of the

data file.

Claim 22 (original): The information processing method as set forth in claim 20, wherein:

in said reproducing step, creation processes of partial data selected by the reader are

reproduced.

Claim 23 (original): A recording medium storing a computer program for processing

information, which i) creates data file using a data creating section for creating a data file and a

data reference section for displaying reference data, and ii) displays a data file as created,

wherein:

a reproduction of a creation of a data file is realized by creating log data including history

data of operations executed by said data creating section and said data reference section when

creating the data file, and re-executing the operations as stored in the log data by said data

creating section and said data reference section.

Claim 24 (previously presented): The information processing device as set forth in claim 1,

wherein the data reference section displays reference data referred to in creating the data file.

Claim 25 (previously presented): The information processing device as set forth in claim 24,

wherein the log recording/reproducing section further controls said data creating section and said

data reference section to re-execute the operations stored in the log data so as to reproduce the

references made to the reference data in creating the data file.

EVIDENCE APPENDIX

Tab A   Copy of U.S. Patent 6,687,878 to Eintracht et al. ("Eintracht"), as relied on by the

Examiner in the Final Office Action of 02/17/2006.

Tab B   Copy of U.S. Patent 6,040,920 to Ichiriki, as relied on by the Examiner in the

Final Office Action of 02/17/2006.

RELATED PROCEEDINGS APPENDIX

None.